

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMILIANO PEREZ, as Administrator of the
Estate of JUAN RENE JAVIER PEREZ,

07 CIV 4063 (CLB)

Plaintiff,

NOTICE OF MOTION

-against-

TOWN OF BEDFORD, TOWN/VILLAGE
OF MT. KISCO, and GEORGE BUBARIS,
individually,

Defendants.

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PLEASE TAKE NOTICE, that upon the accompanying Declaration of Lewis R. Silverman, Esq. dated June 25, 2008 and exhibits annexed thereto and the Memorandum of Law in Support, the defendant, GEORGE BUBARIS, will move this Honorable Court before the Honorable Charles L. Brieant, United States District Judge, in the United States District Court for the Southern District of New York, located at the U.S. Courthouse, 300 Quarropas Street, Room 218, White Plains, New York on a date and time to be decided by this Honorable Court:

- 1) For an Order pursuant to Fed. R. Civ. Pro. Rule 45(3)(iii) to quash plaintiff's subpoena served upon Edward W. Hayes, Esq., former attorney of defendant GEORGE BUBARIS on the basis that such testimony requires a disclosure of privileged matter;
- 2) For an Order pursuant to Fed. R. Civ. Pro. Rule 26(c)(1)(A) preventing the testimony of Edward W. Hayes, Esq. on the basis of attorney-client privilege; and
- 3) For such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that the plaintiff's opposition, if any, is to be served at least five days before the return date set by the Court. Oral argument will be held on a date and time to be determined by the Court.

Dated: New York, New York
June 25, 2008

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

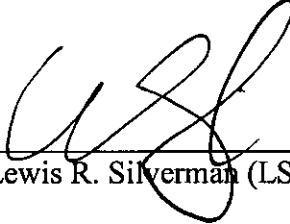
Lewis R. Silverman (LS-9723)
Julie A. Rivera (JR-1817)
Attorneys for Defendant,
GEORGE BUBARIS
369 Lexington Avenue, 8th Floor
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(212) 599-5799
Our File No.: 1020.035

TO: LOVETT & GOULD, LLP
Attorneys for Plaintiff
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401
Attention: Jonathan Lovett, Esq.

SANTANGELO RANDAZZO & MANGNONE LLP
Attorney for Co-Defendant Town/Village of Mount Kisco
151 Broadway
Hawthorne, New York 10532
(914) 741-2929
Attention: James A. Randazzo, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF MOTION, DECLARATION IN SUPPORT OF MOTION TO QUASH AND FOR PROTECTIVE ORDER and MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT, GEORGE BUBARIS'S MOTION TO QUASH PLAINTIFF'S SUBPOENA** was furnished via regular mail to the LOVETT & GOULD, LLP, Attorneys for Plaintiff, 222 Bloomingdale Road, White Plains, New York 10605, Attention: Jonathan Lovett, Esq. and SANTANGELO RANDAZZO & MANGNONE LLP, Attorneys for Co-Defendant Town/Village of Mount Kisco, 151 Broadway, Hawthorne, New York 10532, Attention: James A. Randazzo, Esq. on this 25th day of June, 2008.



Lewis R. Silverman (LS 9723)